

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:00CV32

H. DEAN ALLISON, <i>et al.</i>,)	
)	
This document pertains to:)	
MICHAEL McCain, Individually and)	
as Executor of the Estate of Robert)	
D. McCain, Deceased,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
DANIEL CONSTRUCTION COMPANY,)	
INC., and DANIEL INTERNATIONAL)	
CORPORATION,)	
)	
Defendants.)	
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ORDER

THIS MATTER is before the Court on motion by the Executor of the Estate of Robert D. McCain to be substituted for the deceased Plaintiff Robert D. McCain.

On review of the motions, it appears to the Court that Michael McCain has been duly qualified, appointed and acting as Executor of Plaintiff Robert D. McCain's estate and that the nature of this action is such that the cause of action survives the death of the named Plaintiff.

IT IS, THEREFORE, ORDERED that the Plaintiff's motion is **ALLOWED**, and Michael McCain, Executor of the Estate of Robert D. McCain, deceased, is hereby substituted as Plaintiff for Robert D. McCain and that the substitution shall be hereafter shown in the title to this action.

Signed: January 23, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

